

REMARKS

Claims 1-14 are pending. No new matter has been added by way of the present amendments. For instance, claim 7 has been placed into independent format. Newly added claims 8, 9, 10, 11 and 12 correspond to originally filed claims 2, 3, 4, 5 and 6, respectively. Lastly, newly added claims 13 and 14 are supported by the present specification at page 4, lines 13-15. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-7 under 35 U.S.C. 102(b) as being anticipated by Kawakami, U.S. Patent No. 5,955,253 (hereinafter referred to as Kawakami '253). Applicants respectfully traverse this rejection.

Kawakami '253 fails to suggest or disclose the presently claimed subject matter. In particular, Kawakami '253 fails to disclose the specific requirements of the present invention as recited in independent claims 1 and 7.

Independent claim 1 relates a photosensitive silver halide photographic emulsion having a silver iodide content of 90 mol% or more, wherein the average grain size (R) and the average

crystallite size ( $r$ ) of silver halide emulsion grains in the emulsion satisfy the relationship of  $1 \leq R/r < 2$ . Kawakami '253 fails to suggest or disclose a photosensitive silver halide photographic emulsion wherein the average grain size ( $R$ ) and the average crystallite size ( $r$ ) of the silver halide emulsion grains satisfy the relationship of  $1 \leq R/r < 2$ . Thus, there is no anticipation of claim 1, and claims 2-6, which depend thereon, based upon Kawakami '253.

Independent claim 7 is directed to a photothermographic material comprising a support having on the same surface thereof the photosensitive silver halide photographic emulsion as described above. Not only does Kawakami '253 fail to suggest or disclose the relationship between the average grain size ( $R$ ) and the average crystallite size ( $r$ ), but the reference further fails to suggest or disclose the present photosensitive material.

In particular, Kawakami '253 fails to suggest or disclose that silver iodide with a content of 90 mol% or more is directly contained as a photosensitive compound in a photosensitive material. For this additional reason, independent claim 7, and claims 8-14 which depend thereon, are further distinguished from Kawakami '253. Thus, there is no anticipation of claims 7-14 based upon Kawakami '253.

Without disclosure of the limitations recited in the present claims as discussed above, there exists no anticipation.

Accordingly, the Examiner's rejection is improper. Reconsideration and withdrawal thereof are respectfully requested.

Initialed Form PTO-1449

On January 9, 2004, Applicants submitted an Information Disclosure Statement (IDS) with a Form PTO-1449 listing three references. The Examiner has initialed two of the references, however, one of the references (US 4,094,084) has been crossed out by the Examiner with no explanation. The Examiner is therefore requested to either provide an initialed version of the Form PTO-1449 indicating that this reference has been considered or provide some rationale as to why the reference has not been considered.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three month extension of time for filing a reply in connection with the present application, and the required fee of \$1,020.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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